

ELLEN F. ROSENBLUM  
Attorney General  
CRAIG M. JOHNSON #080902  
Senior Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096  
Telephone: (503) 947-4700  
Fax: (503) 947-4791  
Email: Craig.M.Johnson@doj.state.or.us

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PRESTON BERMAN,

Plaintiff,

v.

CHRISTINE KOTEK, in her official capacity as GOVERNOR of the STATE of OREGON; ELLEN ROSENBLUM, in her official capacity as ATTORNEY GENERAL for the STATE of OREGON; DAVE BADEN, in his official capacity as Interim DIRECTOR for the OREGON HEALTH AUTHORITY; ALISON BORT, in her official capacity as EXECUTIVE DIRECTOR, of the OREGON PSYCHIATRIC SECURITY REVIEW BOARD; DOLORES MATTEUCCI, in her official capacity as SUPERINTENDENT of OREGON STATE HOSPITAL; STEVE GUNNELS, in his official capacity as the DISTRICT ATTORNEY for DESCHUTES COUNTY, OREGON,

Defendants.

Case No. 6:23-cv-01497-AA

DEFENDANTS' MOTION TO CANCEL DEADLINES AND ALTERNATIVE MOTION FOR 6-MONTH EXTENSION OF TIME OF DISCOVERY AND PRETRIAL ORDER DEADLINES

Page 1 - DEFENDANTS' MOTION TO CANCEL DEADLINES AND ALTERNATIVE MOTION FOR 6-MONTH EXTENSION OF TIME OF DISCOVERY AND PRETRIAL ORDER DEADLINES

CMJ/j3b/950496232

**LR 7-1 CERTIFICATE**

Pursuant to Local Rule 7-1, the parties certify that they conferred in good faith on the relief sought in this motion. Counsel for Plaintiff states that he does not object to the requested relief.

**MOTION TO CANCEL DISCOVERY AND PRETRIAL SCHEDULING ORDER**

State Defendants respectfully request that the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) be canceled pending resolution of Defendants' Motion to Dismiss (Dkt. #14). The current deadlines are as follows: "Discovery is to be completed by 2/9/2024. Joint Alternative Dispute Resolution Report is due by 3/11/2024. Pretrial Order is due by 3/11/2024." (Dkt. #2).

Defendants assert, and Plaintiff agrees, that current deadlines are impractical given the ongoing briefing and unsettled issues related to Defendants' Motion to Dismiss.

**ALTERNATIVE MOTION FOR EXTENSION OF TIME**

In the alternative, State Defendants respectfully request that the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) be extended by 6 months to allow for Defendants' Motion to Dismiss to be decided by the Court and for discovery to begin following resolution of the motion.

Defendants assert, and Plaintiff agrees, that current deadlines are impractical given the ongoing briefing and unsettled issues related to Defendants' Motion to Dismiss and should the deadlines not be canceled, a 6-month extension is a reasonable alternative.

## CONCLUSION

For these reasons, Defendants respectfully request that this Court cancel the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) or to allow a 6-month extension of time.

DATED February 8, 2024.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

*s/ Craig M. Johnson*  
\_\_\_\_\_  
CRAIG M. JOHNSON #080902  
MICHELLE ENFIELD #152293  
Senior Assistant Attorneys General  
Trial Attorneys  
Tel (503) 947-4700  
Fax (503) 947-4791  
Craig.M.Johnson@doj.state.or.us  
michelle.enfield@doj.state.or.us  
Of Attorneys for Defendants

## CERTIFICATE OF SERVICE

I certify that on February 8, 2024, I served the foregoing DEFENDANTS' MOTION TO CANCEL DEADLINES AND ALTERNATIVE MOTION FOR 6-MONTH EXTENSION OF TIME OF DISCOVERY AND PRETRIAL ORDER DEADLINES upon the parties hereto by the method indicated below, and addressed to the following:

Robert R. Parker  
111 SW 5th Avenue, Suite 3150  
Portland, OR 97204  
*Attorney for Plaintiff*

HAND DELIVERY  
 MAIL DELIVERY  
 OVERNIGHT MAIL  
 TELECOPY (FAX)  
 E-MAIL  
 E-SERVE

*s/ Craig M. Johnson*  
CRAIG M. JOHNSON #080902  
MICHELLE ENFIELD #152293  
Senior Assistant Attorney General  
Trial Attorneys  
Tel (503) 947-4700  
Fax (503) 947-4791  
Craig.M.Johnson@doj.state.or.us  
michelle.enfield@doj.state.or.us  
Of Attorneys for Defendants